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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/281,042

03/30/1999

SEIKI AGURO

TIJ-26495

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06/03/2002

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 06/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 2123

DETAILED ACTION

NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37

CFR 1.192(c)

1. This communication is responsive to the Appeal Brief filed 3/5/2002.
2. The brief does not contain a concise and accurate statement of the issues presented for review as required by 37 CFR 1.192(c)(6).

- Appellant's brief presents abstract conclusory arguments relating to Appellants duty to disclose information (35 C.F.R. 1.56). This issue relates to petitionable subject matter under 37 CFR 1.181 and not to appealable subject matter. See MPEP §§ 1002 and 1201.

- Appellant's brief presents abstract conclusory arguments relating to the Examiner's alleged inconsistent and self-contradictory statements. This issue does not relate to appealable subject matter. See MPEP §§ 1002 and 1201.

3. The brief does not contain an accurate statement (page 2, Appeal Brief) of the status of all the claims, pending or canceled, and identify the claims appealed as required by 37 CFR 1.192(c)(3). Appellants argue that the status of the claims is "unknown" and state (last sentence - "Status of the Claims") that:

"The Advisory action indicated that the Examiner accepted none of Applicant's arguments but indicated, that on filing an Appeal, Claims 4-21 are allowed."

- This statement is incorrect and rests on no basis in fact. Claims 4-21 are not allowed.

The Examiner has carefully reviewed the Advisory Action, as well as the entire prosecution

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history. The record is clear - the correct status of the claims is that *claims 4-21 are finally rejected*. Specifically:

- Claims 4-21 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

- Claim 8, 10 and 14-15 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. there is insufficient detail describing the relationship between the input ports, the processor and the program and how the password is actually generated.

- Claims 8, 10 and 14-15 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections.

- Claims 8-21 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Curd et al. (Of record - U.S. Patent 5,838,901).

See paper # 11.

4. The brief does not contain a concise explanation of the invention *defined in the claims* involved in the appeal, *which refers to the specification by page and line number*, and to the drawing, if any, by reference characters as required by 37 CFR 1.192(c)(5). Appellants have provided an exposition of the invention (pp. 2-3), but has not specifically indicated where the *claim limitations* are supported in the specification.

5. The brief includes a statement that the claims do not stand or fall together, but fails to present reasons in support thereof as required under 37 CFR 1.192(c)(5,7). MPEP § 1206.

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6. With respect to statements that Appellants had previously sent in a “marked up” copy of the amendment, the Examiner thanks Appellants for the “marked-up” copy (attached to paper # 17) and withdraws the requirement for the “marked-up” copy. The Examiner apologizes for the oversight. Note that the amendment after final (which corrected grammatical mistakes) has now been entered. For purposes of Appeal, the Examiner considers “version 2” of the claims (pp. 16-19, Appeal Brief) to be the correct set of claims.

7. Appellant is required to comply with provisions of 37 CFR 1.192(c).

7. *To avoid dismissal of the appeal, Appellant must comply with the provisions of 37 CFR 1.192(c) within the longest of any of the following TIME PERIODS: (1) **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing of this communication; (2) within the time period for reply to the action from which appeal has been taken; or (3) within two months from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time periods may be granted under 37 CFR 1.136.*

8. **Any inquiry concerning this communication or earlier communications from the examiner should be:**

directed to:

Dr. Hugh Jones telephone number (703) 305-0023, Monday-Thursday 0830 to 0700 ET, *or* the examiner’s supervisor, Kevin Teska, telephone number (703) 305-9704.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, telephone number (703) 305-3900.

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mailed to:

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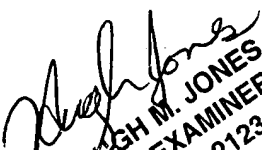
or faxed to:

(703) 308-9051 (for formal communications intended for entry)

or (703) 308-1396 (for informal or draft communications, please label "*PROPOSED*" or "*DRAFT*").

Dr. Hugh Jones

May 30, 2002


DR. HUGH M. JONES
PATENT EXAMINER
ART UNIT 2123